



January 2011

country summary

## Democratic Republic of Congo

Attacks on civilians and other human rights abuses continued with disturbing frequency in 2010. The Congolese army sustained its military campaigns against foreign and national armed groups in the east and north, and launched a new campaign in the west to quell a local insurgency. As in the past, all sides targeted civilians, who were killed, raped, arbitrarily arrested, pressed into forced labor, and looted. The ongoing violence left nearly 2 million people displaced and a further 145,000 as refugees in neighboring countries.

The United Nations peacekeeping mission was renamed the UN Organization Stabilization Mission in Congo (MONUSCO) following calls for its withdrawal by the Congolese government, which was eager to claim security improvements ahead of the 50<sup>th</sup> anniversary of Congo's independence. The new name made little difference in the struggle to protect civilians. Some perpetrators were arrested on war crimes charges, but many others remained in positions of power, most notably Bosco Ntaganda, a general sought on an arrest warrant from the International Criminal Court (ICC). Violent attacks on journalists and human rights defenders increased.

### Attacks by the Lord's Resistance Army in Northern Congo

Attacks against civilians were the most severe in northern Congo, where the Lord's Resistance Army (LRA), a Ugandan rebel group, continued its brutal campaign. A further 604 people were killed and 473 abducted, bringing the death toll in Congo to over 2,000 and the number of abducted to 2,600 since the LRA began its latest campaign of violence in 2008. The LRA also attacked civilians across the border in the Central African Republic and Southern Sudan. The largest attack in Congo was in the remote Makombo area of Haut Uele District, where in December 2009 LRA combatants clubbed to death at least 345 civilians and abducted 250 others. The attack was one of the worst ever perpetrated by the rebel group in its bloody 24-year history. The LRA also carried out widespread abductions in Bas Uele District, deliberately targeting children whom the group forced to serve as soldiers.

The Ugandan army—in coordination with the Congolese, Central African, and Southern Sudanese armed forces—continued its military campaign against the LRA. The operation had some success in weakening the rebel group, but the LRA's ability to attack civilians

remained undiminished. No progress was made on apprehending three of the LRA's top leaders sought by the ICC for crimes committed in northern Uganda. Congolese army and MONUSCO efforts to protect civilians in LRA-affected areas remained inadequate, with limited resources directed to address the threat.

## **Military Operations in the East and West**

The Congolese army continued military operations in North and South Kivu provinces of eastern Congo against the Democratic Forces for the Liberation of Rwanda (FDLR), a predominantly Rwandan Hutu rebel group, some of whose leaders participated in the 1994 genocide. At the same time the army sought to integrate nearly two dozen former armed groups into its ranks, a condition of the peace accords signed in March 2009. The integration process was fraught with problems. A number of the armed groups dropped out, angry that their enemies received higher ranks or more lucrative posts. Other groups, such as the National Congress for the Defense of the People (CNDP), conducted their own military operations under the guise of the Congolese army, but without approval from the military hierarchy. The confusion affected chains of command and control of the troops.

Attacks on civilians by the army and armed groups were rampant. Hundreds were killed and raped as each warring party accused local populations of supporting its enemies. For example, at least 105 civilians were killed in western Masisi territory when former CNDP troops newly integrated into the army conducted unilateral operations against the FDLR and their allies. In another incident in Walikale territory in early August, FDLR combatants and a local armed group, the Mai Mai Cheka, systematically gang raped at least 303 civilians in 13 villages. The attackers accused their victims of supporting the Congolese army.

As in 2009, UN peacekeepers provided logistical and operational support to the Congolese military operations against the FDLR. Following earlier criticisms that peacekeepers had failed to put in place adequate conditions to ensure respect for human rights, MONUSCO strengthened its conditionality policy and sought to support only battalions it had previously screened. But the confused chains of command made the policy's application exceedingly difficult. Many officers with a known track record of human rights abuses remained in command positions. The most blatant example was General Bosco Ntaganda, sought on an arrest warrant from the ICC, who continued to play the de facto role as deputy commander of the joint military operations. Ntaganda also continued to perpetrate human rights abuses and was implicated in assassinations and arbitrary arrests of individuals opposed to him.

In addition to problems in the east, the Congolese army also deployed to western Equateur Province to counter an insurgency led by the Enyele ethnic group, after a local fishing dispute spun out of control. The insurgents attacked opponents from other ethnic groups, as well as policemen and soldiers. While quelling the insurgency, Congolese security forces were themselves responsible for numerous human rights violations. The UN estimated that 100 civilians were killed in the clashes.

## **Sexual Violence and Sexual Orientation and Gender Identity**

The level of sexual violence in Congo continued at an alarming rate. Over 15,000 cases of sexual violence were reported in 2009. In 2010 there were no signs that the trend was decreasing. For the first six months of the year 7,685 cases were reported. More than half of the victims were under 18 years of age.

In October a private member's bill was introduced in the National Assembly proposing a punishment of three to five years' imprisonment for "homosexual relations" and to outlaw all publications and films that highlight "sexual practices against nature." The bill also seeks to criminalize members and financiers of associations that promote or defend "sexual relations against nature" with six months to one year in prison.

## **Threats to Journalists and Human Rights Defenders**

Congolese human rights defenders and journalists were increasingly targeted in 2010. A prominent human rights defender, Floribert Chebeya Bahizire, executive director of Voice of the Voiceless, was found dead on June 1, following a visit to police headquarters in Kinshasa, the capital. His driver, Fidele Bazana Edadi, remains missing at the time of writing. The national police chief was suspended and other senior police officers were detained following the murder, though none was charged at the time of writing. In eastern Congo, on June 30, a human rights defender working for Le Bon Samaritain was killed by armed men in uniform near Beni, North Kivu. Sylvestre Bwira Kyahi, civil society president of Masisi territory, was abducted by army soldiers on August 24 and held for a week in an underground prison, where he was repeatedly beaten for writing a public letter denouncing abuses by soldiers under Ntaganda's command and calling for his arrest.

Freelance cameraman Patient Chebeya Bankome was shot dead by soldiers outside his home in Beni on April 5. *Radio France Internationale* (RFI) began broadcasting again in Congo on October 12, after being off the air since June 2009. Other radio stations, including in Bandundu and Kisangani, were shut down or interrupted by authorities when they criticized government policy.

## **Justice and Accountability**

The vast majority of crimes committed in Congo have gone unpunished and, in many cases, perpetrators are rewarded rather than brought to justice.

Despite the somber trend, there were some positive developments. On November 17, 2009, the FDLR president, Ignace Murwanashyaka, and his deputy, Straton Musoni, were arrested in Germany by the German police for war crimes and crimes against humanity committed by FDLR troops under their command in eastern Congo. Another FDLR leader, Callixte Mbarushimana, was arrested in France by French police on October 11, 2010, under an arrest warrant issued by the ICC for similar crimes.

In Congo the government increased military prosecutions against soldiers accused of human rights violations, including crimes of sexual violence, although the majority of those prosecuted held junior ranks. In one notable exception, following pressure from the UN Security Council and human rights organizations, judicial authorities in Kinshasa arrested General Jerome Kakwavu in April 2010 on war crimes charges for rape and torture. Kakwavu is the first general arrested on rape charges in Congo's history.

In another important landmark, the Office of the UN High Commissioner for Human Rights published on October 1 its report of a human rights mapping exercise in Congo, which documented 617 incidents of serious violations of international humanitarian law between 1993 and 2003. The report described the role of the main Congolese and foreign parties responsible—including military or armed groups from Rwanda, Uganda, Burundi, and Angola—and suggested options to pursue justice for the crimes, including the proposed establishment of a mixed chamber in Congo with Congolese and international judges. Rwanda and Uganda, among others, rejected the report. In an important statement, the Congolese government welcomed it and said it would support the option of a mixed chamber.

## **Key International Actors**

At the insistence of the government, the UN withdrew some 1,500 peacekeepers and pledged to conduct a joint security assessment with the government to determine future drawdown.

Following the mass rape in Walikale, the UN dispatched its assistant secretary-general for peacekeeping operations, Atul Khare, to Congo to assess the challenges for protecting civilians and recommend improvements. The UN secretary-general's special representative

on sexual violence in conflict, Margot Wallström, also visited Congo twice to strengthen UN action to address sexual violence and hold perpetrators accountable.

On May 24 United States President Barack Obama signed legislation committing the US to developing a comprehensive strategy to protect civilians from LRA attacks and to end the group's violence.